



November 14, 2008

Mr. Steve Dunivent
Deputy County Executive Officer
Government and Public Services
County of Orange
10 Civic Center Plaza
333 W. Santa Ana Blvd., 3rd Floor
Santa Ana, CA 92701-4062

Mr. Clifford Ham
Principal Architect
Office of Court Construction and Management
Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Dear Mr. Dunivent and Mr. Ham:

Decisions on the Court Facilities Dispute Resolution Committee Recommendations from the September 22, 2008, meeting

The Court Facilities Dispute Resolution Committee (Committee) formally met on September 22, 2008, to hear the Orange County initiated dispute regarding the Seismic Safety Rating for five separate trial court facilities; (1) Central Justice Center, (2) Lamoreaux Justice Center, (3) North Justice Center, (4) West Justice Center, and (5) Harbor Justice Center. Per Government Code Section 70303, the Committee submitted its recommendations to me for these facilities but withheld recommendation on the Lamoreaux Justice Center, pending further information.

Disputes Regarding the Seismic Safety Rating

Government Code Section 70328 provides that the seismic safety rating of a facility may be appealed by the county to the Committee. In such a dispute, the state has the burden of proving by a preponderance of the evidence the unacceptable seismic safety rating.

Government Code Section 70327 provides that the state shall provide for a licensed structural engineer to inspect and evaluate each court facility for seismic safety if the building was constructed under a building code prior to the 1988 Uniform Building Code and the facility has not been upgraded since 1988 for seismic safety. The law does not specify what determines an adequate seismic safety upgrade.

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The Committee's recommendations are detailed below:

Central Justice Center: Approve the appeal by Orange County. The Committee voted 2-1 to recommend that the County appeal be approved, on the grounds that the County complied with the law by seismically renovating the facility.

Harbor Justice Center: Deny the appeal. The Committee members voted unanimously to deny the County's appeal. The County did not present sufficient evidence to dispute the seismic risk rating, as determined by the structural engineer that was retained by the AOC.

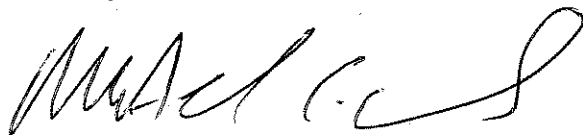
West Justice Center: Deny the appeal. The Committee members voted unanimously to deny the County's appeal. The County did not present sufficient evidence to dispute the seismic risk rating, as determined by the structural engineer that was retained by the AOC.

North Justice Center: Deny the appeal. The Committee members voted unanimously to deny the County's appeal. The County did not present sufficient evidence to dispute the seismic risk rating, as determined by the structural engineer that was retained by the AOC.

I concur with the recommendations of the Committee as summarized above.

If you have any further questions regarding this matter, please do not hesitate to call Nathan Brady at (916) 445-9694.

Sincerely,



MICHAEL C. GENEST
Director

cc: Court Facilities Dispute Resolution Committee Interested Parties List

icc: BRADSHAW, KAHN, FINN, ROGERS, BRADY, OSBORN, MCCLAIN, CALVERT, C/F,
SUSPENSE, FILE

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